

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOSHUA A. WILSON, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN III, *et al.*,

Defendants.

Case No. 4:22-cv-00438-ALM

**DEFENDANTS' NOTICE OF RESCISSION OF
DOD COVID-19 VACCINATION REQUIREMENT**

Defendants file this notice to inform the Court that on January 10, 2023, the Secretary of Defense implemented Section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 ("NDAA"). *See* Pub. L. No. 117-263, § 525 (Dec. 23, 2022), 136 Stat 2395. Section 525 of the NDAA directs the Secretary, within 30 days, to rescind the August 24, 2021 memorandum requiring vaccination of service members for COVID-19. Pursuant to the NDAA, the Secretary of Defense issued a memorandum on January 10, 2023, rescinding his August 24, 2021 memorandum that required COVID-19 vaccination and rescinding his November 30, 2021 memorandum that required COVID-19 vaccination for members of the National Guard and the Ready Reserve. *See* 1/10/2023 SECDEF Memo ("Rescission Memo") (attached as Exhibit A).

The Rescission Memo prohibits separations based solely on refusal of the COVID-19 vaccine by service members who sought an exemption, and further directs the Services to update the records of individuals currently serving to remove any adverse actions solely associated with the denial of an accommodation request. *Id.* The Rescission Memo also halts the processing of requests for exemption to the now-defunct mandate. *Id.*

Dated: January 11, 2023

Respectfully submitted,

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Director, Federal Programs Branch

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/s/ Jody D. Lowenstein
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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2023, I electronically filed the foregoing document with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Jody D. Lowenstein

JODY D. LOWENSTEIN

Trial Attorney

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